

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Eugene Laron Johnson,

Civ. No. 22-0494 (ECT/BRT)

Plaintiff,

v.

ORDER

Ramsey County ADC; Officer 2369; and
Sgt. Sean Delrosario,

Defendants.

This Court previously ordered Plaintiff Eugene Laron Johnson, for purposes of calculating the initial partial filing fee owed in this case, to submit financial documentation establishing the average deposits to and balance of his jail trust account during the six months preceding the filing of this action. *See* (Doc. No. 5.) Johnson did not submit the required documentation. He has, however, submitted receipts tending to establish that he has no assets and no means by which to pay an initial partial filing fee. *See* (Doc. No. 8.) Moreover, because Johnson has since been transferred to a different facility operated by a different political entity, it is doubtful that Johnson can now procure the specific financial documentation previously ordered by this Court. Accordingly, that requirement that Johnson provide this documentation—and the requirement that Johnson submit an initial partial filing fee before proceeding in this

action—will be waived in this matter, and Johnson’s application to proceed *in forma pauperis* will be granted.¹ *See* 28 U.S.C. § 1915(b)(4).

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The application to proceed *in forma pauperis* of plaintiff Eugene Laron Johnson (Doc. No. 3) is **GRANTED**.
2. Johnson must submit a properly completed Marshal Service Form (Form USM-285) for each defendant. If Johnson does not complete and return the Marshal Service Forms within 30 days of this order, it will be recommended that this matter be dismissed without prejudice for failure to prosecute. Marshal Service Forms will be provided to Johnson by the Court.
3. After the return of the completed Marshal Service Forms, the U.S. Marshals Service is directed to effect service of process on each of the defendants consistent with Rule 4(j) of the Federal Rules of Civil Procedure.

¹ The Court has received from Johnson a document labeled as an “Amended Complaint” (Doc. No. 10) and another document labeled “Facts” (Doc. No. 11) very shortly thereafter. This Court regards these two documents, taken together, as the operative pleading in this matter. *See* Fed. R. Civ. P. 15(a)(1). No other documents are regarded as part of the current operative pleading. Johnson is warned that, going forward, he will not be permitted to supplement the pleading by filing documents that merely add factual allegations or claims to his earlier pleading. Should Johnson wish to again amend his complaint, he must file a motion requesting to do so along with a copy of the proposed amended complaint, which must be complete in itself — that is, the proposed amended complaint must include every factual allegation and every legal claim that Johnson hopes to put forward in this litigation.

4. Johnson must pay the unpaid balance (\$350.00) of the statutory filing fee for this action in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court shall provide notice of this requirement to the authorities at the institution where Johnson is confined.

Dated: April 19, 2022

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge